

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Team # 1	CCRB Case #: 201401578	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/20/2013 2:04 PM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 6/20/2015	EO SOL 6/20/2015	
Date/Time CV Reported Tue, 02/18/2014 4:14 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 02/18/2014 4:14 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Alhadys Reyes	11899	935582	040 PCT
2. SGT Kandou Worley	05477	945113	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Jonathan Blatt	2748	946787	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kandou Worley	Discourtesy: SGT Kandou Worley spoke rudely to § 87(2)(b)	§ 87(2)(b)
B.SGT Kandou Worley	Abuse: SGT Kandou Worley entered and searched § 87(2)(b) § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.POM Alhadys Reyes	Abuse: PO Alhadys Reyes entered and searched § 87(2)(b) § 87(2)(b) in the Bronx.	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On February 18, 2014, § 87(2)(b) filed this complaint via the CCRB Call Processing System (encl. B 1-2).

On December 20, 2013, at approximately 2:04 p.m., § 87(2)(b) called 911 to report a dispute he was having with § 87(2)(b) outside of the building he lives in, § 87(2)(b) in the Bronx. PO Alhadys Reyes and SGT Kandou Worley, both at the time assigned to the 40th Precinct, responded to the call. The following allegations of misconduct were made:

- **Allegation A – Discourtesy: SGT Kandou Worley spoke rudely to § 87(2)(b)**
- **Allegation B – Abuse of Authority: SGT Kandou Worley entered and searched § 87(2)(b) in the Bronx.**
- **Allegation C – Abuse of Authority: PO Alhadys Reyes entered and searched § 87(2)(b) in the Bronx.**

§ 87(2)(b), § 87(2)(g)

- § 87(2)(g), § 87(4-b)

As § 87(2)(b) was arrested during the incident, this complaint could not be resolved through mediation.

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b) is a Hispanic male, 5'8" tall, 230 lbs, with black hair and brown eyes. At the time of the incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(e), § 87(2)(f)

CCRB Statement

On February 19, 2014, § 87(2)(b) provided a phone statement (encl. B 3) and, on February 26, 2014, he was interviewed at the CCRB (encl. B 4-10). He answered follow up questions on March 11, 2014, (encl. B 11). His statements were provided in Spanish, § 87(2)(b)'s native language. § 87(2)(b)'s statements, as well as his original complaint, were consistent with the exceptions and additions noted in the summary below.

On December 20, 2013, at approximately 2:04 p.m., § 87(2)(b) was at his home in the § 87(2)(b) floor apartment of § 87(2)(b) in the Bronx. § 87(2)(b) lives with his two children

in a rental apartment that encompasses the entire § 87(2)(b). There is one separate apartment on the third floor where a woman by the name of § 87(2)(b) lives, and one on the first floor occupied by a man named § 87(2)(b) and his wife. There is one entrance to the building facing the street. Past the entrance's main door there is a small foyer, and another door. Both of these doors are kept locked. The second door opens up to a communal staircase, with two entrances on each floor for each apartment.

The entrance to § 87(2)(b)'s apartment opens into a large kitchen, with a bathroom on the side. Past the kitchen is the living room and then two bedrooms; § 87(2)(b)'s and his kids'. In § 87(2)(b)'s bedroom is another exit into the communal hallway.

§ 87(2)(b) went to leave his home and, at the entrance to his building, was met by a woman who he knows as § 87(2)(b) who was with her young daughter. § 87(2)(b) was the girlfriend of a man who used to rent a room in the third floor apartment. § 87(2)(b), § 87(2)(c), § 87(2)(d)
§ 87(2)(b)
§ 87(2)(b) He believed that § 87(2)(b) came to his building that day in order to threaten him.

§ 87(2)(b) did not want to let § 87(2)(b) into the building, so he closed the door and refused to open it. § 87(2)(b) never spoke to § 87(2)(b) and never had physical contact with her. He denied that he ever threatened her with a knife. § 87(2)(b) went into § 87(2)(b)'s apartment; § 87(2)(b) was home at the time and allowed § 87(2)(b) in, and § 87(2)(b) called 911. He told the 911 operator that § 87(2)(b) was trying to get into his building, and that she was not a resident of the building and had no right to be there. While he did this, he looked out the first floor window at § 87(2)(b) and saw her boyfriend outside with her.

While on the phone with 911, the operator asked § 87(2)(b) if he had any knives, and he said that he did not. He had no further conversation with the 911 operator. § 87(2)(b) later learned that § 87(2)(b) had also called 911, and stated that § 87(2)(b) had threatened her with a black kitchen knife.

A short time later, SGT Jonathan Blatt, identified by the investigation and described as a white male, in a uniform with stripes on the shoulders, 5'7" tall, slightly overweight, bald, and 35-40 years old; and PO1, unidentified by the investigation and described as a uniformed, dark-skinned male, arrived in a marked police car. When they arrived, § 87(2)(b)'s boyfriend left the area. § 87(2)(b) exited the first floor apartment and stood in the building's entrance to speak with the officers. SGT Blatt approached § 87(2)(b) and asked him what had happened. They did not speak to anyone else in the area before speaking to § 87(2)(b). § 87(2)(b) told SGT Blatt that § 87(2)(b) was not a resident of the building, and was trying to get in. They spoke in English, for approximately one minute. SGT Blatt asked § 87(2)(b) if he was sure § 87(2)(b) did not live there, and he repeated that he was. § 87(2)(b) showed SGT Blatt the order of protection that he has against § 87(2)(b)'s boyfriend.

At that time, SGT Kandou Worley, identified by the investigation and described as a black male, in a uniform with stripes on the shoulders, 6'1" tall, with a medium build, 35 years old, and clean shaven, and PO Alhadys Reyes arrived in a marked car. § 87(2)(b) knew PO Reyes' name from seeing it written on his badge, and later he called the stationhouse and asked for the name of his arresting officer. PO Reyes was described as a light skinned Hispanic male, in uniform, 5'8" tall, with an average build, 35 years old, with a mustache and black hair. When PO Reyes and SGT Worley arrived, PO1 and SGT Blatt left. PO Reyes

immediately came up to § 87(2)(b) without speaking to him or anyone else first, and frisked him.

PO Reyes ran his hands over § 87(2)(b)'s whole body, above the clothes. § 87(2)(b) asked PO Reyes why he was searching him, and PO Reyes said he was looking for a knife, and wanted to be sure he did not have one on him. § 87(2)(b) told him that he was just explaining to SGT Blatt that he did not have a knife. He further explained that § 87(2)(b) did not live in the building, and that her boyfriend had lived there, but then was arrested. At this time, § 87(2)(b) was present standing outside his apartment in the communal staircase, along with a friend of his § 87(2)(b) did not know.

PO Reyes then explained to § 87(2)(b) that he was not the landlord and had to let § 87(2)(b) in. After that, § 87(2)(b) went up to his apartment and SGT Worley went with § 87(2)(b) and her daughter up to the third floor of the building, into § 87(2)(b)'s apartment. § 87(2)(b) heard § 87(2)(b) speaking with SGT Worley on the third floor, crying and telling him that he had to arrest § 87(2)(b) for threatening her. SGT Worley told her, "It's ok, we'll arrest him."

§ 87(2)(b) was going to leave again, but SGT Worley came down to his apartment and told him to stay. PO Reyes was with SGT Worley at this time. They spoke in English, at the entrance to his apartment, by the kitchen. SGT Worley asked him where the knife was, and § 87(2)(b) said that § 87(2)(b) had been lying, and repeated that § 87(2)(b) did not live in the building. SGT Worley said, "Shut the fuck up." Then SGT Worley and PO Reyes walked into § 87(2)(b)'s apartment, without asking for permission first. § 87(2)(b) asked what he was doing, and told him that he did not have the right to enter. SGT Worley went into the kitchen, and began to search. He opened doors and cabinets during the search. While he searched, SGT Worley asked § 87(2)(b) to tell him where the black knife was, and § 87(2)(b) repeated that he did not have any black knives, and that all his knives were brown, pointing to his kitchen knives. SGT Worley searched the kitchen for several minutes, opening drawers and cabinets, while PO Reyes stood with § 87(2)(b). He only searched the kitchen, and entered no other parts of the apartment during the search. SGT Worley did not find anything during the search. During this time, no one else was present to witness the interaction; however, § 87(2)(b) was up the stairs looking down and saying, "She's a liar," referring to § 87(2)(b).

After three or four minutes, SGT Worley finished the search and then placed § 87(2)(b) in handcuffs. After that, he asked § 87(2)(b) if there was anyone who could prove that he was not threatening § 87(2)(b) with a knife, and he told him § 87(2)(b) would be able to. SGT Worley told § 87(2)(b) not to go anywhere, and then went down to the first floor and spoke with § 87(2)(b) while § 87(2)(b) stayed upstairs with PO Reyes. § 87(2)(b) only speaks Spanish, but SGT Worley spoke to him in English. § 87(2)(b) told SGT Worley that § 87(2)(b) had never threatened § 87(2)(b) with a knife.

§ 87(2)(b) was taken to the 40th Precinct stationhouse by PO Reyes and SGT Worley. Later, § 87(2)(b) was taken to Bronx Central Booking, and charged with menacing.

Attempts to Contact Civilians

Attempts were made to contact § 87(2)(b) and the other residents of § 87(2)(b). On March 5, 2014, § 87(2)(b) was contacted and he stated that he did not witness the incident, or the alleged crime.

§ 87(2)(b) provided one phone number for § 87(2)(b) whose full name he did not know. On March 11, 2014, a Lexis Nexis search produced no additional contact information related to the number (encl. E 10). She was called five times between March 5, 2014, and March 28, 2014, and each time messages were left on her automated answering machine requesting callback. Letters were sent to § 87(2)(b) on March 12, 2014, and March 20, 2014, (encl. F 15-16). As of August 28, 2014, none of the letters sent to § 87(2)(b) have been returned by USPS as undeliverable, and she has not contacted the CCRB. On August 28, 2014, a search of the Department of Corrections located no one by the name § 87(2)(b) currently incarcerated.

§ 87(2)(b)'s residence is listed as § 87(2)(b) on the complaint report related to the incident. On March 24, 2014, a Lexis Nexis search located no additional contact information for § 87(2)(b) (encl. E 11-18). There was one phone number listed for § 87(2)(b) on the Event related to the incident; however, when this number was called on March 28, 2014, it was found to be a non-working number. Letters were sent to § 87(2)(b) on March 28, 2014, and April 3, 2014, (encl. F 13-14). As of August 28, 2014, none of the letters sent to § 87(2)(b) have been returned by USPS as undeliverable, and she has not contacted the CCRB. On August 28, 2014, a search of the Department of Corrections determined that § 87(2)(b) is not currently incarcerated.

On June 19, 2014, a Lexis Nexis search located one likely resident of the third floor apartment of § 87(2)(b) § 87(2)(b) (encl. E 9). A letter was sent to § 87(2)(b) on June 19, 2014. On June 24, 2014, the letter sent to § 87(2)(b) was returned by USPS as undeliverable (encl. F 9-12). As of August 28, 2014, § 87(2)(b) has not contacted the CCRB. On August 28, 2014, a search of the Department of Corrections determined that § 87(2)(b) is not currently incarcerated.

NYPD Statement(s):

Subject Officer: PO ALHADYS REYES

- *PO Alhadys Reyes is a § 87(2)(b).*
- *On December 20, 2013, PO Reyes worked from 9:30 a.m. to 6:05 p.m., and was assigned to conditions in the 40th Precinct. He worked in uniform, with SGT Worley, and they were assigned to vehicle number 8541, a marked van.*

Memo Book

At 1:16 p.m., PO Reyes received a call of a dispute at § 87(2)(b) in the Bronx. At 1:20 p.m., he arrived at the location. At 2:04 p.m., PO Reyes arrested one individual, while the sergeant was on scene. At 3:45 p.m., the OLBS and UF-61 were generated (encl. C 1-3).

Arrest Report and Complaint Report

PO Reyes completed the arrest report, complaint report, and property vouchers related to § 87(2)(b)'s arrest. They state that § 87(2)(b) was arrested for menacing after pointing a knife at § 87(2)(b) and blocking the doorway as she was trying to enter § 87(2)(b) preventing her from entering (encl. C 4-8).

CCRB Statement

On May 28, 2014, PO Reyes was interviewed at the CCRB (encl. C 13-15).

On December 20, 2013, at approximately 1:16 p.m., PO Reyes was in a vehicle on patrol with SGT Worley when a call came over the radio reporting a dispute at § 87(2)(b) in the

Bronx. PO Reyes was the passenger, and SGT Worley was the driver. The only information that was transmitted over the radio was that there was a landlord tenant dispute, and a man with a knife. They drove directly to the location after receiving the call, and arrived soon after.

PO Reyes and SGT Worley were the only officers there when they arrived. A man, § 87(2)(b) was standing in the doorway of § 87(2)(b) and a woman, § 87(2)(b) was standing on the sidewalk in front of the building, with a baby carriage. There were two or three other pedestrians standing on the sidewalk across the street nearby observing them.

PO Reyes approached § 87(2)(b) and asked her if she called the police. § 87(2)(b) who was crying, told PO Reyes that she had called the police, and then told him that § 87(2)(b) had threatened her with a knife and told her she was not allowed in the building. PO Reyes did not ask § 87(2)(b) how long ago this had happened, but she told them that she had seen § 87(2)(b) holding a knife.

As soon as § 87(2)(b) told the officers that § 87(2)(b) threatened her with a knife, the officers approached him. PO Reyes reached him, and asked if he had a weapon on him. § 87(2)(b) said that he did not, and PO Reyes told him that he was going to check. Then PO Reyes frisked § 87(2)(b)'s waistband and pockets. PO Reyes frisked § 87(2)(b) for the sole purpose of determining if he had a knife on him. Aside from § 87(2)(b)'s statement, PO Reyes had no other reason to believe that § 87(2)(b) had a knife on him.

After the frisk, § 87(2)(b) told PO Reyes that he had also called 911, because of § 87(2)(b) and § 87(2)(b) started yelling at each other, and so PO Reyes decided to separate them. He asked § 87(2)(b) to go to his apartment, which was on the second floor, and he did. Then he and SGT Worley went with § 87(2)(b) up to her apartment, which was on the third floor. There, § 87(2)(b) looked around to see if anything had been stolen. Prior to this, § 87(2)(b) had told the officers that she suspected § 87(2)(b) of breaking into her apartment.

As she looked around, the officers went down to § 87(2)(b)'s apartment to speak to him. They knocked on the door, and § 87(2)(b) answered. § 87(2)(b) told them that he did not want to speak to them in the hallway, and asked them to come into his apartment. PO Reyes and SGT Worley entered § 87(2)(b)'s apartment and stood in the room by the entrance, which was the kitchen. Neither of the officers had asked to come into the apartment.

Inside, § 87(2)(b) told the officers that the owner of the building had died and left him in charge. He was not letting § 87(2)(b) into the building because she had not paid rent. Additionally, § 87(2)(b) had had a dispute with § 87(2)(b)'s boyfriend one week prior, and had gotten him arrested. § 87(2)(b) did not mention having an order of protection. During this time, § 87(2)(b) never objected to their presence in his apartment, or asked them to leave. They stayed only in the kitchen, and did not search any parts of the apartment, move any items, or open any containers.

After speaking with § 87(2)(b) the officers went back upstairs and spoke to § 87(2)(b) § 87(2)(b) told them that she had not been to the apartment in one week, because she was scared to come there without her boyfriend because of § 87(2)(b) § 87(2)(b) told them that the people standing outside had seen § 87(2)(b) threaten her with a knife.

PO Reyes and SGT Worley went outside to speak to the witnesses. They told the officers that they had seen the dispute, and that § 87(2)(b) was refusing to let § 87(2)(b) into the building. They did not mention seeing a knife. PO Reyes did not recall who these people were, and did not have their names.

Because § 87(2)(b) had told the officers that § 87(2)(b) threatened her with a knife, and as the witnesses confirmed that there was a dispute, the officers decided to arrest § 87(2)(b) for menacing. They went back to § 87(2)(b)'s apartment and knocked on the door. § 87(2)(b) answered, and PO Reyes and SGT Worley stepped into the kitchen and placed § 87(2)(b) under arrest.

After he was placed under arrest, they asked § 87(2)(b) if there was anything he wanted to leave there, and he left everything aside from his keys. Then § 87(2)(b) was taken out of the building and into their van. During this time in § 87(2)(b)'s apartment, § 87(2)(b) never objected to their presence in the apartment or asked them to leave. They did not search the apartment, and stayed only in the kitchen. They never asked § 87(2)(b) about the knife, because he had already told them that he did not have one.

Aside from § 87(2)(b) and § 87(2)(b) the officers did not speak to anyone in the building. PO Reyes did not know if anyone else lived in the building, and did not check the first floor apartment. PO Reyes could not recall any other police officers being present at any other time during the incident. Both § 87(2)(b) and § 87(2)(b) spoke English, and all PO Reyes' conversations with them were in English. PO Reyes was always accompanied by SGT Worley throughout the incident, and both of them would speak with the civilians together.

Throughout the incident, § 87(2)(b) never became agitated with the officers, and the only time he raised his voice was when he was arguing with § 87(2)(b). Neither of the officers ever yelled at § 87(2)(b) and SGT Worley never directed any profanity at him or told him, "Shut the fuck up." The officers took § 87(2)(b) to the 40th Precinct, where PO Reyes processed his arrest.

Subject Officer: SGT KANDOU WORLEY

- *SGT Kandou Worley is a § 87(2)(b).*
- *On December 20, 2013, SGT Worley worked from 9:30 a.m. to 6:27 p.m., and was the conditions sergeant. He worked in uniform, with PO Reyes, and they were assigned to vehicle number 8541, a marked van.*

Memo Book

SGT Worley had no entries in his memo book regarding the incident (encl. C 16-18).

CCRB Statement

On July 16, 2014, SGT Worley was interviewed at the CCRB (encl. C 19-21). His statement was consistent with PO Reyes' with the following exceptions and additions:

§ 87(2)(b) did not tell the officers that § 87(2)(b) had threatened her with a knife when they first arrived, and § 87(2)(b) was not present when they arrived. § 87(2)(b) told them that she was a former resident of the building, and had property in her old apartment that she wanted to retrieve, but could not get inside because the locks had been changed. She said that § 87(2)(b) had kicked her out of the apartment. The officers then went into the building to speak with § 87(2)(b).

They went to § 87(2)(b)'s apartment and knocked on door. § 87(2)(b) opened the door and the officers walked in. They had never asked for permission to enter, and § 87(2)(b) did not verbally give consent for them to enter. § 87(2)(b) did not ask them to come in, but he did not raise any objections or react at all to them entering. SGT Worley saw it as a mutual understanding that

they were allowed to enter the apartment. The officers did not search any parts of the apartment; they just stepped inside to talk with § 87(2)(b) in the kitchen area of the apartment.

After speaking with § 87(2)(b) the officers went back outside to speak with § 87(2)(b). At this time, she told them that § 87(2)(b) had threatened her with a knife. She said that she had come to the front door of § 87(2)(b) had an argument with § 87(2)(b) walked away, and then come back to the door. When she returned to the door, § 87(2)(b) threatened her with a knife.

After speaking with the witness, who saw an argument but could not tell if a knife was involved, the officers went back and explained to § 87(2)(b) that if she was lying about the interaction because she was upset with § 87(2)(b) she would be arrested for filing a false complaint. She was adamant that § 87(2)(b) came to the door with a knife and menaced her.

They went back to the apartment and knocked on the door. § 87(2)(b) opened the door and then turned and walked into the apartment, the officers followed. They had never asked for permission to enter, and § 87(2)(b) did not verbally give consent for them to enter. § 87(2)(b) did not react when they entered, and never objected to them entering the apartment.

The officers told him that he was being placed under arrest for menacing. § 87(2)(b) was placed in handcuffs. After that, they left the building with § 87(2)(b). There was no resistance from § 87(2)(b) during his arrest. While inside the apartment, they stayed in the first room they had entered, which was a kitchen. They never searched the apartment, never opened anything or moved anything, and never entered any parts of the apartment aside from the kitchen.

The officers never had a heated verbal argument with § 87(2)(b) and SGT Worley never told § 87(2)(b) “Shut the fuck up,” or heard another officer do so. PO Reyes never frisked § 87(2)(b) until after he was placed under arrest in his apartment.

NYPD Document(s)

Event § 87(2)(b)

The Event related to the incident records the 911 calls of § 87(2)(b) and § 87(2)(b). § 87(2)(b)'s 911 call comes first, and he reports a dispute with a female who was standing outside § 87(2)(b). § 87(2)(b)'s call comes second, and she states that § 87(2)(b) took out a knife and told her she was not allowed to enter. A description of § 87(2)(b) is provided. After that, there is a second 911 call from § 87(2)(b) in which he states that he has an order of protection against § 87(2)(b), § 87(2)(b), § 87(2)(c), § 87(2)(f). After that, a patrol supervisor responds, followed by the conditions sergeant. Several minutes after arriving, the conditions sergeant reports that there is no knife at the location. Eighteen minutes later, the conditions sergeant reports an arrest (encl. D 1-6).

Other Evidence

Criminal Court Complaint

The criminal court complaint related to § 87(2)(b)'s arrest was completed on December 20, 2013. § 87(2)(b) is the deponent in the complaint. In it § 87(2)(b) states that § 87(2)(b) pointed a knife at her and stated, “You are not coming in here,” causing her to experience annoyance, alarm, and fear for her physical safety (encl. E 1-2).

Arrest for Incident and Disposition

- Case number § 87(2)(b) remains open. The next scheduled court date is § 87(2)(b) in Bronx Criminal Court. (encl. E 3)

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of September 12, 2014, with regard to the incident (encl. E 19).

Civilian(s) Criminal History

- As of August 28, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b)

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A 3).

Subject Officer(s) CCRB History

- PO Reyes has been a member of the service for ten years and there are no substantiated CCRB allegations against him (encl. A 1).
- SGT Worley has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. A 2).

Conclusion

Identification of Subject Officer(s)

PO Reyes and SGT Worley confirmed that they interacted with § 87(2)(b)

Investigative Findings and Recommendations

Allegations not Pled

The frisk of § 87(2)(b) is not being pled, as, based on the menacing allegations of § 87(2)(b) the officers had probable cause to arrest § 87(2)(b) at the time of the frisk.

Officers not Interviewed

As SGT Blatt and the unidentified officer accompanying him were not present for the alleged misconduct or involved in it, they were not interviewed.

Allegation A – Discourtesy: SGT Kandou Worley spoke rudely to § 87(2)(b)

§ 87(2)(b) stated that SGT Worley told him, “Shut the fuck up,” while he was questioning § 87(2)(b) about the dispute he had with § 87(2)(b). Both SGT Worley and PO Reyes consistently stated that there was never a heated verbal argument with § 87(2)(b) and both denied that SGT Worley made this statement.

§ 87(2)(b), § 87(2)(g)

Allegation B – Abuse of Authority: SGT Kandou Worley entered and searched location.

Allegation C – Abuse of Authority: PO Alhadys Reyes entered and searched location.

§ 87(2)(b) stated that SGT Worley, followed by PO Reyes, pushed past him at his doorway, entered his apartment, and began to search his kitchen, opening drawers and cabinets. The

officers did not ask for consent to enter or search the apartment, and § 87(2)(b) verbally objected after they did.

PO Reyes stated that he and SGT Worley entered § 87(2)(b)'s apartment once to discuss the dispute with § 87(2)(b) after being invited in by § 87(2)(b) and then later entered a second time for the purposes of arresting § 87(2)(b) after he opened the door for them. Each time the entry was limited to the area near the front door, and § 87(2)(b) never objected to them being inside. PO Reyes denied that they searched any part of the apartment.

SGT Worley corroborated that they entered the apartment on two occasions: the first to speak with § 87(2)(b) and the second to place him under arrest; however, § 87(2)(b) did not give verbal consent on either of these occasions, he simply allowed them to enter and did not object to the entry, and SGT Worley considered it mutually understood that they were allowed inside the apartment. SGT Worley corroborated that the entries were limited to the area near the door, and denied that they searched any parts of the apartment.

Officers may enter a private residence for the purposes of arresting an individual inside if they possess a clear showing of probable cause to believe that the suspect committed the crime, and a strong reason to believe that the suspect is in the premises entered. In these circumstances, the peaceful circumstances of the entry must be considered in analyzing the entry. People v. McBride NY Slip Op 3473 (2010) (encl. i-vii).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date